

CLASSIFICATION OFFICE DECISION

Title of publication: Norml News Winter 2009

Other known title(s): Norml News Vol 13.1: Winter 2009

OFLC ref: 1000756.000

Medium: Magazine

Distributor: NORML NZ Inc.

Editor: Chris Fowlie

Publisher: NORML NZ Inc.

Country of origin: New Zealand

Language: English

Applicant: Secretary for Internal Affairs

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: When the magazine is on public display, the classification given to the magazine must be shown by way of a label issued in accordance with a direction under section 36(A)(2) and affixed to the front cover.

Date of entry in Register: 16 June 2010

Date of direction to issue a label: 15 June 2010

Summary of reasons for decision:

The magazine Norml News Winter 2009 is published in New Zealand by the organisation NORML and is a forum for political views on cannabis. It is intended for adults with a specific interest in cannabis law reform issues and is well-known for consistently advocating the legalisation of cannabis. The issue under review contains some material designed to assist growers and users, but the most significant influence on the dominant effect that the magazine will have on its intended adult audience is its editorial content. This is made up largely of articles that inform readers about the political, legal and cultural contexts of the current cannabis law reform debate. The articles include an interview with a manufacturer of equipment for the extraction of hashish from cannabis plant material. Although this article contains some instruction, its primary purpose is the promotion of particular methods and equipment. It cannot fairly be said to promote or encourage criminal activity to an extent that the availability of the magazine to New

Zealand adults is likely to be injurious.

As a vehicle for the expression of political views in favour of cannabis law reform, the magazine has a legitimate purpose. However, the potential exists for young persons with little knowledge of the current law, or of the effects and consequences of cannabis use, to misinterpret the magazine's general advocacy of law reform as an invitation to break the law. A restriction to adult readers, who will be well aware that cannabis use and cultivation is illegal in New Zealand, is therefore required to minimise the likelihood of injury to the public good.

In light of the provisions of the New Zealand Bill of Rights Act 1990 a ban is neither reasonable nor demonstrably justified. However, a likelihood of injury arising from the availability of the publication to young people has been identified. Restricting the availability of Norml News Winter 2009 to adults limits the rights of New Zealanders to access reading material of their choice but, in this instance, represents the minimum interference with the freedom of expression that is consistent with preventing injury to the public good.